THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5892 of 2007

Date: 23.03.2007

Between:

Gandham Satyavathi and another.

....Petitioners

and

The Government of A.P. and another

....Respondents

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O R D E R:

The 2nd petitioner states that the 1st petitioner is the owner and possessor of the property admeasuring 1100 sq.yards in Survey No.151/3B of Vepagunta Village, Pendurthi Mandal, Visakhapatnam District, and that he intended to purchase the said property and entered into an agreement with the 1st petitioner. According to them, the document executed by the 1st petitioner was presented to the second respondent for registration. The grievance of the petitioners is that the second respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the second respondent to receive and process the documents presented by the petitioners and take necessary steps in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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23.03.2007

usd

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77